



#4

MP

PATENT

ATTORNEY DOCKET NO.: 053837-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard J. WISE

Application No.: 09/985,952

Filed: November 6, 2001

Group Art Unit: 3653

Examiner: Unassigned

For: APPARATUS AND METHOD FOR ISOLATING MATERIALS

Commissioner of Patents

BOX MISSING PARTS

Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed December 6, 2001.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

4. Small Entity Status

☒ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

04985952

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request: \$200.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicants believe that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicants hereby petition for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Assignment

- ☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation

Fee Calculation				Fee Code	
Basic Fee (Small Entity)				\$370.00	101/201
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)		
Total Claims	57 - 20 =	37	\$18/\$9 each=	\$333.00	103/203
Independent Claims	11 - 3 =	8	\$84/\$42 each=	\$336.00	101/202
Multiple dependent claim(s), if any			\$280/\$140	\$	104/204
SUB-TOTAL =				\$1039.00	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$65.00	105/205
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))		\$110/\$55 (1 Month)			115/215
		\$400/\$200 (2 Months)			116/216
		\$920/\$460 (3 Months)			117/217
		\$1440/\$720 (4 Months)			118/218
		\$1960/\$980 (5 Months)		\$200.00	128/228
SUB-TOTAL =				\$1304.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$	139
Assignment Recordation Fee			\$ 40.00	\$	581
TOTAL FILING FEE =				\$1304.00	

8. Fee Payment

- ☒ Please charge Deposit Account No. 50-0310 in the amount of \$ 1304.00 representing the total fee due.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☐ Submission of Formal Drawings with _____ sheets of drawings
- ☐ Claim for Priority
- ☐ Certified copy of priority document:
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, ** references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Other: _____

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Mary Jane Bockius
Reg. No. 33,652
Robert J. Goodell
Reg. No. 41,040

Date: April 8, 2002

CUSTOMER NO. 09629

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 739-3000
Facsimile: (202) 739-3001



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D. C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/985,952	11/06/2001	Richard J. Wise	053837-5001

CONFIRMATION NO. 4205

 009629
 MORGAN, LEWIS & BOCKIUS
 1800 M STREET NW
 WASHINGTON, DC 20036-5869

FORMALITIES LETTER



OC000000007162345

Date Mailed: 12/06/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- o Total additional claim fee(s) for this application is \$1338.
 - \$666 for 37 total claims over 20.
 - \$672 for 8 independent claims over 3.
- o The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- o The balance due by applicant is \$ 2208.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09985952

04/10/2002 YPOLITE1 00000001 500310

 01 FC:201 370.00 CH
 02 FC:202 336.00 CH
 03 FC:203 333.00 CH
 04 FC:205 65.00 CH